

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *lg* D.C.  
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THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENN.

FIRST HORIZON NATIONAL  
CORPORATION,

Plaintiff,

v.

HH HORIZON FUNDING, L.P., d/b/a  
HORIZON HOME FUNDING,

Defendant.

No. Civil Action No. 05-2459 B An

**JURY TRIAL DEMANDED**

**JOINT RULE 16(b) SCHEDULING ORDER**

Pursuant to written notice, a Rule 16(b) Scheduling Conference is scheduled for the 20th day of October, 2005. Appearing for the parties as counsel will be:

For the Plaintiff, Scott K. Haight and Lea Hall Speed of the law firm Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.; and

For the Defendant, Richard D. Underwood of the law firm Underwood/Thomas, P.C.

The following dates are established as the final dates for this case involving alleged trademark infringement, and other causes of action:

1. Rule 26(a)(1) Disclosures - November 3, 2005;
2. Deadline for Amendment of Pleadings, Joining Parties, and Initial Motions to Dismiss for the Party who bears the burden of proof on any issue - December 20, 2005;
3. Deadline for Amendment of Pleadings, Joining Parties, and Initial Motions to Dismiss for the Party who does not bear the burden of proof on any issue - January 20, 2006;
4. All discovery to be completed - June 19, 2006;

5. Rule 26(a)(2) Expert Disclosures for the Party who bears the burden of proof on any issue - April 20, 2006;
6. Rule 26(a)(2) Expert Disclosures for the Party who does not bear the burden of proof on any issue - May 20, 2006;
7. Supplementations under Rule 26(e) - May 27, 2006;
8. Expert Depositions to be completed - June 19, 2006;
9. Filing Dispositive Motions - July 16, 2006;
10. Final lists of witnesses and exhibits under Rule 26(a)(3) for Plaintiff - October 6, 2006;
11. Final lists of witnesses and exhibits under Rule 26(a)(3) for Defendants - October 23, 2006; and
12. This case should be ready for trial by November 20, 2006.

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 4 days. The presiding judge will set this matter for JURY TRIAL. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

**OTHER RELEVANT MATTERS:**

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59 and 60, shall be accompanied by a proposed Order and Certificate of Consultation.

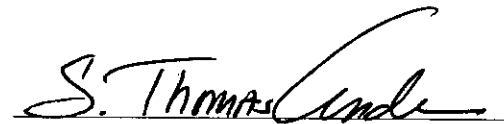
The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which reply is required.

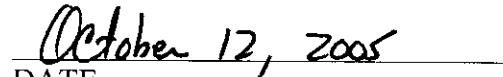
The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

*The parties are ordered to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.*

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

**IT IS SO ORDERED.**

  
S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE

  
DATE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 2:05-CV-02459 was distributed by fax, mail, or direct printing on October 13, 2005 to the parties listed.

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Honorable J. Breen  
US DISTRICT COURT